



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,001	04/20/2001	Harald Apfelthaler	KWO-17702/01	2739

7590 08/26/2004

Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
Suite 400
280 N. Old Woodward Avenue
Birmingham, MI 48009-5394

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,001

Applicant(s)

APFELTHALER, HARALD

Examiner

Yvonne M. Horton

Art Unit

3635

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 is/are allowed.
- 6) ☒ Claim(s) 3,4,7,8,10 and 20 is/are rejected.
- 7) ☒ Claim(s) 5,6,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2002 and 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached exhibit</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3,4 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,766,698 to DALLEN. DALLEN discloses the use of a plug (32) in combination with a muntin (30) having an outer surface (OS, colored blue), an end (E), inner walls (IS) having a planar surface (40,42) that define a hollow space (colored red), see the marked attachment, and flanges (67') including a plurality of spring elements (56) such that the spring elements (56) are operable to engage the planar surface (40,42), see figures 2 and 4, and the body (50) also includes a longitudinal slot (134), column 6, line 33-39 and column 7, line 20-30, that fits into the hollow space (colored red) of the muntin (30) wherein the plug body (50), upon insertion of a screw (114) into the longitudinal slot (134), is operable by "forcing the body (50)", column 6, lines 33-39, into the muntin (30). Due to the fact that the body (50) has a longitudinal slot (134) the body is split into two segments (colored orange) wherein upon insertion of the screw (114), the two segments (colored orange) are forced apart from one another, and into engagement with portions (34,36) of the muntin (30). In reference to claims 3 and 4, the slot (134) is coaxially aligned with the plug body (50) and completely penetrates the plug body (50), see Figure 4.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7,8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,766,698 to DALLEN. DALLEN discloses the basic claimed muntin and terminal plug combination except for the use of the longitudinal slot having a slotted wall or teeth. Although DALLEN does not teach the use of a longitudinal slot having a slotted wall or teeth, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the longitudinal slot of DALLEN with slots or teeth, in order to increase the tension between the plug body and the screw thereby increasing the friction therebetween to resist separation thereof and securely fasten the two members together. In regards to claim 10, obviously, if the slot (134) of DALLEN were provided with the commonly known slots or teeth of the art, the screw too includes teeth or threads having "tips" that would engage the slots or teeth formed in the longitudinal slot to enforce "widening" of the slot (134).

Allowable Subject Matter

Claims 5,6,9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 3635

Regarding claims 5,6,9 and 11, the prior art of record fails to teach the use of a muntin in combination with a terminal plug wherein the terminal plug has a longitudinal through slot with a upper end width that is different from the bottom end width.

In reference to claims 21-27, the prior art of record fails to teach the use of a muntin in combination with a terminal plug wherein the flange includes a recess that communicates with the longitudinal slot.

Response to Arguments

Applicant's arguments with respect to claims 3-11 and 20-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

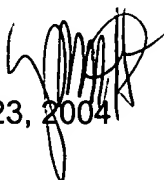
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH

August 23, 2004

A handwritten signature in black ink, appearing to be 'YMH', is written over the typed name and date.

EXHIBIT

Patented Oct. 23, 1973

3,766,698

2 Sheets-Sheet 1

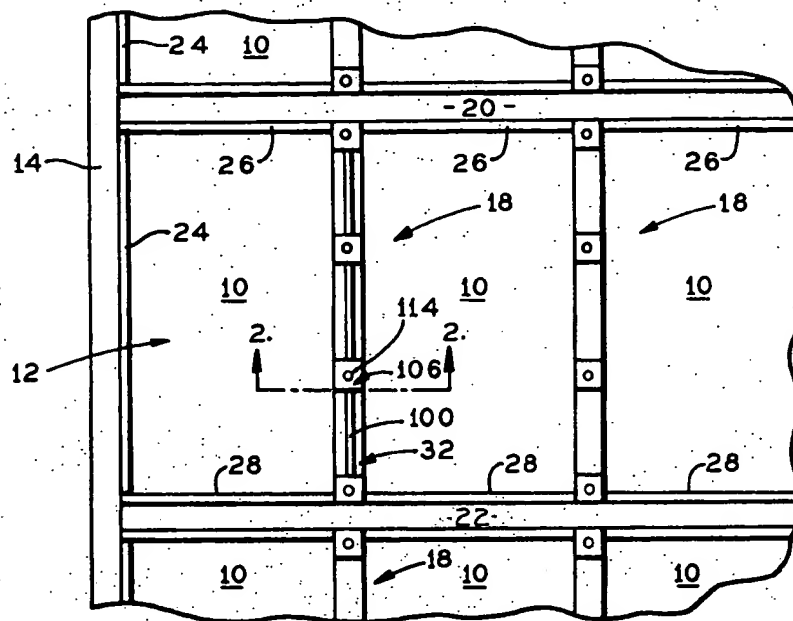


Fig. 1.

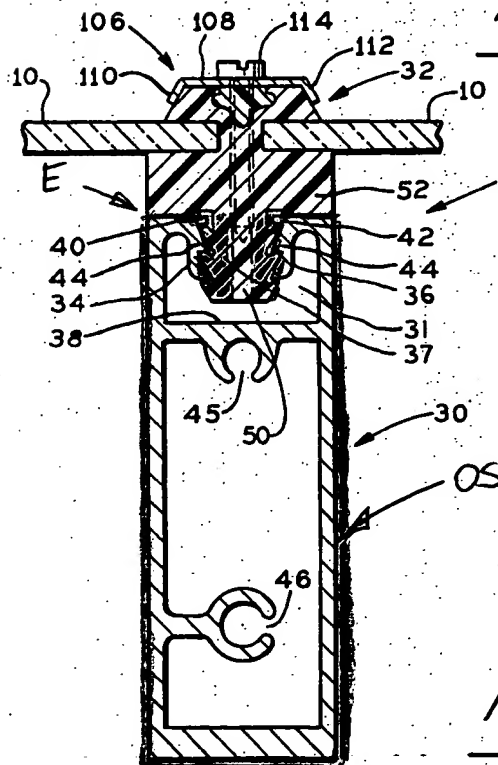


Fig. 2.

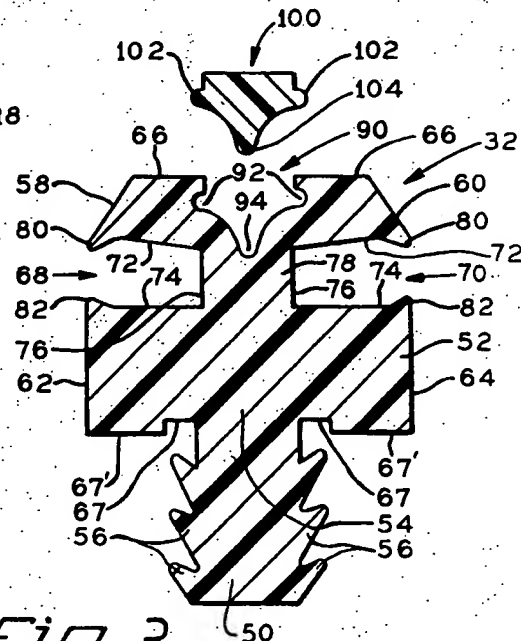


Fig. 3.

INVENTOR:
JOHN A. DALLEN

BY
Meyer, Tilberry & Body
ATTORNEYS.

EXHIBIT

Patented Oct. 23, 1973

3,766,698

2 Sheets-Sheet 2

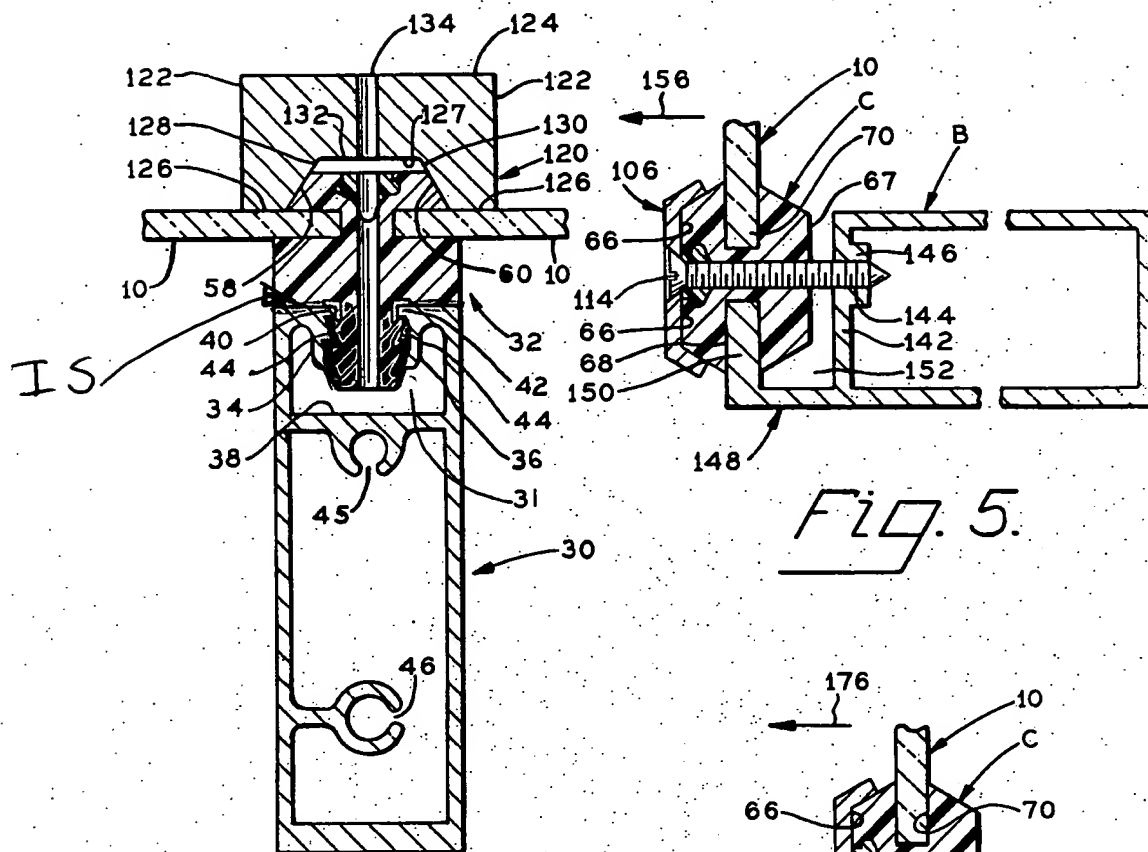


Fig. 4.

Fig. 5.

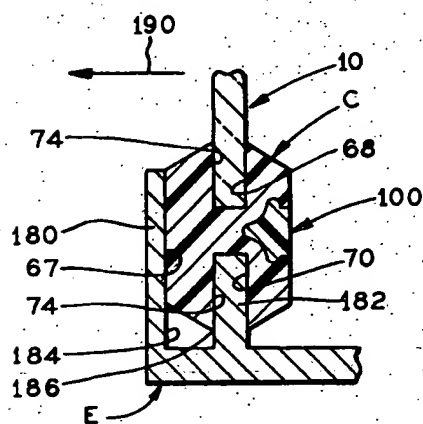


Fig. 6.

Fig. 7.

INVENTOR
JOHN A. DALLEN

BY
Meyer, Tilberry & Body
ATTORNEYS.